

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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1 — New Louisiana Superfund site: Colonial Creosote plant in Bogalusa, Times Picayune, 9/29/2015

http://www.nola.com/environment/index.ssf/2015/09/colonial_creosote_bogalsua_add.html#incart most shared-environment

The Colonial Creosote wood preserving plant in Bogalusa has been added to national list of Superfund hazardous waste sites eligible for federal cleanup assistance, the Environmental Protection Agency announced Monday (Sept. 28). Creosote and related chemicals have been found in soil, sediment and groundwater near the site. The Superfund program investigates and cleans up complex, uncontrolled or abandoned hazardous waste sites, EPA tries in the process to eliminate or reduce public health risks and environmental contamination.

2 — Wetlands advocates object to using BP money for highway bridge, Times Picayune, 9/28/2015

http://www.nola.com/environment/index.ssf/2015/09/americas_wetland_foundation.do.html#incart most shared-environment

The America's WETLAND Foundation is opposing the use of BP oil spill fine money to elevate Louisiana 1 near Port Fourchon or for any other infrastructure project. It announced its position Saturday (Sept. 26), putting it at odds with Gov. Bobby Gov. Bobby Jindal.

3 — Health Risks Of Decades-Old Chemical Plume Remain Unstudied, KUNM, 9/24/2015

<http://kunm.org/post/health-risks-decades-old-chemical-plume-remain-unstudied#stream/0>

When state environment workers were taking groundwater samples in downtown Albuquerque back in the 1990s, they discovered a large plume of a solvent called trichloroethylene, or TCE—a toxic chemical that causes cancer and birth defects—just 35 feet below the ground. The Environment Department eventually traced the source of the TCE plume to an old industrial brick building near downtown Albuquerque owned by Laun-Dry Supply Company, a business that distributes dry cleaning chemicals.

4 — Regulatory groups release earthquake report, NewOK, 9/28/15

<http://newsok.com/regulatory-groups-release-earthquake-report/article/5450013>

Energy and water regulators and researchers from more than a dozen states released a policy report Monday on understanding the links between energy production and triggered earthquakes.

Photo - <p>The Interstate Oil and Gas Compact Commission and the Groundwater Protection Council hold a joint news conference Monday to discuss a multi-state report on earthquakes. The report, from the StatesFirst initiative organized by the Interstate Oil and Gas Compact Commission and the Ground Water Protection Council, surveys the latest research and policy options for regulators dealing with higher rates of earthquakes linked to wastewater disposal wells from energy production.

5 — Corporation Commission restricts another disposal well near Cushing, NewsOK, 9/25/2015

<http://newsok.com/corporation-commission-restricts-another-disposal-well-near-cushing/article/5449315>

The Oklahoma Corporation Commission on Friday restricted volumes at another saltwater disposal well near Cushing following continued earthquakes near the country's largest commercial oil storage facility. The Joyce well owned by Crown Energy will be cut back to less than 1,000 barrels of water per day, the commission said.

6 — More research needed on U.S. earthquakes possibly tied to oil and gas work: report, Reuters, 9/28/2015

<http://www.reuters.com/article/2015/09/28/us-usa-quake-oilandgas-idUSKCN0RS2HV20150928>

A coalition of U.S. states warned on Monday that a spike in earthquakes potentially tied to oil and gas activity in places not typically prone to them needs urgent attention from regulators and others to protect public safety. The report to be released later on Monday by States First includes input from governors, regulators and oil and gas policy leaders in 13 states, including Oklahoma and Kansas, where earthquake activity and intensity have risen in recent years.

7 — EPA set to overhaul 23-year-old farmworker safety standards, Greenwire, 9/28/2015

<http://www.eenews.net/greenwire/2015/09/28/stories/1060025418>

he challenge for every working mother -- pumping breast milk for her infant every few hours -- can be daunting enough in a white-collar office. Consider how difficult it is in the long rows of grapes, almonds or pistachios here in the Central Valley.

8 — Agency action will determine if Navajos sue over spill -- lawyer, Greenwire, 9/28/2015

<http://www.eenews.net/greenwire/2015/09/28/stories/1060025424>

Attorneys for the Navajo Nation say litigation against U.S. EPA over last month's abandoned mine spill in Colorado will depend on the agency's willingness to address tribal concerns in the weeks ahead. EPA work on the abandoned Gold King site in Colorado spilled 3 million gallons of wastewater down the Animas and San Juan rivers, impacting crops and businesses downstream.

9 — States cue up initial talks on EPA rule options, Greenwire, 9/28/2015

<http://www.eenews.net/greenwire/2015/09/28/stories/1060025410>

States around the country are buckling down to explore Clean Power Plan compliance options, even while some of them plan lawsuits against U.S. EPA. This week will feature public meetings in California, Georgia and Virginia. In the last several weeks, agencies and stakeholders also met in Colorado, Minnesota, Missouri, Montana and Pennsylvania. (Visit our Power Plan Hub state pages for those stories and stay tuned for more from those states in ClimateWire this week.)

10 — What do EPA's Methane Rules Mean for the Energy Economy?, EDF, 9/28/2015

<http://blogs.edf.org/energyexchange/2015/09/28/what-do-epas-methane-rules-mean-for-the-energy-economy/>

Around the country, people are talking about methane. Last week hundreds showed up to testify at public hearings in Dallas and Denver, weighing in on the Environmental Protection Agency's proposal to fight oil and gas methane pollution. Tomorrow, EPA will hear from many more stakeholders in Pittsburgh, while a panel of experts that EDF is convening in Washington, DC, will discuss how we can cost-effectively reduce methane pollution using technologies already on the market.

11 — What the EPA's Expected Ozone Limits Could Mean for Austin, KUT, 9/29/2015

<http://kut.org/post/what-epas-expected-ozone-limits-could-mean-austin>

This week the US Environmental Protection Agency is expected to announce new limits on the amount of ozone Americans breathe. Those limits could force Austin and other Texas cities to reduce ground-level ozone pollution in an effort to mitigate the pollutant's harmful health effects.

12 — EPA ANNOUNCES NEW REGULATION FOR FARMWORKERS, KTIC, 9/29/2015

<http://kticradio.com/agricultural/epa-announces-new-regulation-for-farmworkers/>

The U.S. Environmental Protection Agency (EPA) announced Monday increased protections for the nation's two million agricultural workers and their families. "President Obama has called closing gaps of opportunity a defining challenge of our time. Meeting that challenge means ensuring healthy work environments for all Americans, especially those in our nation's vulnerable communities," said EPA Administrator Gina McCarthy.

13 — Moorhead: Texas needs to address poverty, pollution and polarization, Statesman, 9/28/2015

<http://www.mystatesman.com/news/news/opinion/moorhead-texas-needs-to-address-poverty-pollution-/nnp6c/>

Pope Francis' address to Congress explored a range of seemingly disparate topics ranging from poverty and needs of families, to climate change and violence, to religious intolerance and political polarization. The pope's assessment of the world's needs and America's potential role in addressing them was an elegant theological argument for Triple Bottom Line (3BL) thinking on a global scale.

14 EPA set to tighten smog limits as business gears for fight, Chron, 9/29/15

<http://www.chron.com/business/energy/article/EPA-set-to-tighten-smog-limits-as-business-gears-6536665.php>

Facing a court-ordered deadline, the Obama administration is preparing to finalize stricter emissions limits on smog-forming pollution linked to asthma and respiratory illness. The move fulfills a long-delayed campaign promise by President Barack Obama, but sets up a fresh confrontation with Republicans already angry about the administration's plans to curb carbon pollution from coal-fired power plants and to regulate small streams and wetlands.

15 Roswell groundwater plume considered for Superfund status, Chron, 9/29/15

<http://www.chron.com/news/science/article/Roswell-groundwater-plume-considered-for-6536811.php>

An area of contaminated water in downtown Roswell is being considered for addition on the Superfund National Priorities List. The U.S. Environmental Protection Agency says several dry cleaning businesses had operated there from 1956 and 1963. It's now a mix of residential and commercial use.

16 Many Americans Still Live On or Near Toxic Waste, Motherboard, 9/28/15

<http://motherboard.vice.com/read/many-americans-still-live-on-or-near-toxic-waste>

Visual artist Brooke Singer wants to make America's invisible Superfund sites—places harboring hazardous waste—more visible to a wider public. So she recently launched ToxicSites US, a data visualization that charts 1,300 of the US's most toxic Superfund sites. A "Superfund site" is an area that the US Environmental and Protection Agency (EPA) labels an "uncontrolled or abandoned place where hazardous waste is located, possibly affecting local ecosystems or people." The full list of sites can be seen on the National Priorities List.

17 Controversy Heats Up Over Construction of Gas Station In Leander Neighborhood, KEYE TV, 9/28/15

<http://www.keyetv.com/news/features/top-stories/stories/Controversy-Heats-Up-Over-Construction-of-Gas-Station-In-Leander-Neighborhood-211458.shtml>

Residents in a Leander neighborhood say they were blindsided when a business broke ground near the entrance of the Westwood subdivision. On Monday they met with their new neighbor in hopes of reaching a compromise.

18 County will pay fine assessed by TCEQ, Weatherford Democrat, 9/28/15

http://www.weatherforddemocrat.com/news/county-will-pay-fine-assessed-bytceq/article_7daf0958-663d-11e5-9d99-53e60653cfa3.html

Parker County commissioners Monday agreed to pay the Texas Commission on Environmental Quality \$751, a fine assessed by the regulatory agency because a county employee failed to file a timely report.

Kurt Fuqua, county director of permitting, told commissioners that he forgot to send in an annual storm water program report on county activities.

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The site of the former Colonial Creosote wood preserving operation, outlined in red on the map, was added to the national Superfund list on Monday (Sept. 28), making it eligible for an environmental cleanup by the federal Environmental Protection Agency. (Environmental Protection Agency)

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By Mark Schleifstein, NOLA.com | The Times-Picayune

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on September 28, 2015 at 2:51 PM, updated September 28, 2015 at 3:42 PM

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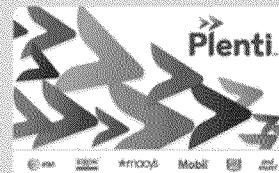
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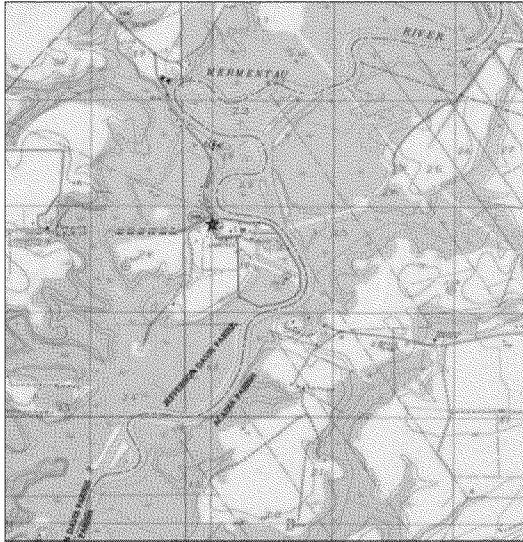
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environmental contamination.

The 32-acre Colonial property in southeast Bogalusa was operated as a wood-treating plant

from 1911 to 1953, using creosote as a primary preservative. The site was the home to Bogalusa Concrete until 2008, and the Louisiana Department of Environmental Quality asked EPA in 2011 to evaluate it for Superfund listing.

"The contamination, mainly in the form of polycyclic aromatic hydrocarbons (PAHs), have migrated from the facility to underlying groundwater, adjacent wetlands and nearby surface waters," EPA said in announcing the listing. "Some PAH compounds are suspected of causing cancer in humans and have been found to cause reproductive problems and birth defects in animals."



The SBA Shipyard along the Mermentau River in Jennings was proposed to be added to the Superfund list of hazardous waste sites eligible for federal cleanup assistance by the EPA on Monday (Sept. 28).

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 Heinrich Von Schlitz 17 hours ago
Corporations getting rich at the expense of all the rest of us.
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 atpontchrtn 17 hours ago
Brother Jindal has blessed Louisiana with a Chinese methanol plant and a Russian fertilizer plant. Maybe that's the kind of thing that lead to "Sportsman's Paradise" disappearing from our license plates.
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 JoerTX 18 hours ago
Whew... at least we can be grateful there were no nasty government regulations that so often impede the free market! (and yes that is sarcasm)
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 curdog 18 hours ago
Stand-by. River to be polluted next.
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Wetlands advocates object to using BP money for highway bridge



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Part of the Louisiana 1 bridge across Leeville during construction in April 2007. Gov. Bobby Jindal has asked the Coastal Protection and Restoration Authority to consider a policy change that would allow some BP oil spill money to be used to help complete the bridge. America's Wetland Foundation announced its opposition to the policy change. (Ellis Lucia, NOLA.com | The Times-Picayune archives)



By Mark Schleifstein, NOLA.com | The Times-Picayune
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The [America's WETLAND Foundation](#) is opposing the use of [BP oil spill](#) fine money to elevate [Louisiana 1](#) near Port Fourchon or for any other infrastructure project. It announced its position Saturday (Sept. 26), putting it at odds with Gov. Bobby Jindal.

On Sept. 16, Jindal asked the state [Coastal Protection and Restoration Authority](#) to change state policy to let some of the BP oil spill settlement dollars be used to pay for part of the \$350 million bridge project, if there's a surplus left after completion of more than \$700 million in restoration projects funded by the federal Restore Act. The authority voted to table a vote on the change until a later meeting, after several of its board members objected.

"There is no underestimating the importance of Port Fourchon, but these types of projects must stay separate from restoration efforts," said King Milling, chair of the America's WETLAND Foundation. "Unless we do everything possible to stop coastal land loss in this state, there will not be a Port Fourchon or Grand Isle. This funding source should remain dedicated to its intended purpose, and any attempt to do otherwise would set a



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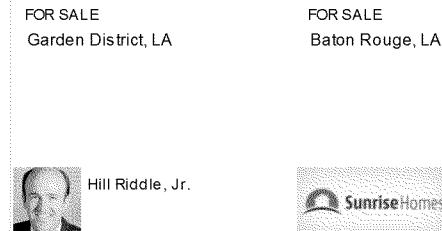
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bad precedence."

Milling was one of the authority board members opposing a vote on Jindal's proposed policy change. He also chairs the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation.

"There will likely be continued attempts through the years to divert this money and other coastal restoration funds to help pay for budget shortfalls or for individual projects not related to restoration," said Val Marmillion, managing director of the foundation. "Each and every attempt must be stopped. The scope of work to stop the land loss is massive and will take every dedicated dollar available to get it done."

"There are many worthy, necessary programs and projects in Louisiana that need funding but not at the cost of restoration," Marmillion said. "Nothing would more negatively impact the future economy of our state."



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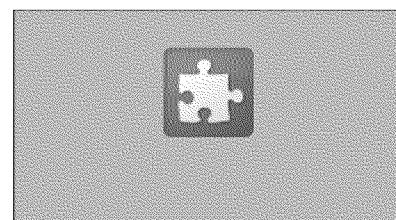
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EricHeblair

1 hour ago

Chouest, owner of the C-Port at Port Fourchon, who stands to gain, by far, the most from the Hwy 1 bridge, is also, by far, the largest contributor to Jindal's campaign fund.

http://www.nola.com/politics/index.ssf?/2015/08/here_are_the_big_donors_to_bob.html#in_cart_most-commented_politics_article

1 Like Reply



Gimmee

5 hours ago

Why is everyone concerned about this? The Gov will be gone in a few months and nothing is going to happen in making this decision on the Gulf Restoration funds before he is gone.

Like Reply



letuspray

18 hours ago

It is over for the wetlands get used to it. Build the road. Read the article posted by the TP last week about the 2,100 year old cypress stump now 32' under water. It is our destiny. Forget the fact that we have eroded huge portions of the marsh over the past 150 years by drilling activities, levee construction, ect. No matter why we have cooked our goose.

1 Like Reply



lordbyron23

19 hours ago

Jindal has ruined everything. Our wetlands need restoring. Build bridge from other money.

2 Like Reply



apresdeluge

19 hours ago

Put the BP \$\$\$\$\$ in a lock box until Jindal is out of office. Use the \$\$\$\$ ONLY for coastal restoration.

Pay for the bridge by getting a refund from all the taxpayer \$\$\$\$ Jindal wasted on his Presidential campaign and the money he wasted on those Duck Dynasty swindlers.

Dedicate the rest to fumigating the Governor's office and the governor's mansion.

5 Like Reply



atpontchrtrn

@apresdeluge

19 hours ago

Finally a good use for Al Gore's lock box!!

Like Reply



atpontchrtrn

19 hours ago

This shows just how far out in rightwing idiot field Brother Jindal's proposal is. The independent environmental groups jumped on this immediately when the gov proposed it. Now this report shows that even this energy company front group can't go along with the Jindalistas on robbing coastal restoration to add to the road budget. In realpolitik, this comes down to Jindal's desire to please the road contractors ahead of the restoration contractors. It's about money, not sensibility.

3 Like Reply



inkedieu

19 hours ago

The BP money should be used exclusively for COASTAL RESTORATION. Nothing else!

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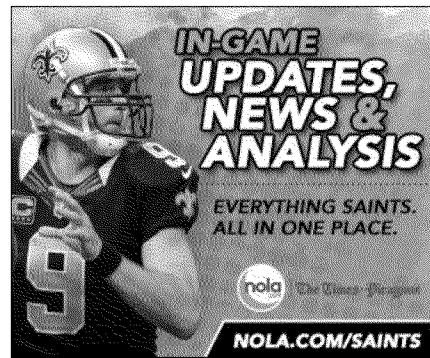
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By [ED WILLIAMS \(/PEOPLE/ED-WILLIAMS\)](#) · SEP 24, 2015

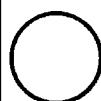
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Robert Miranda at his home in Albuquerque's Sawmill District

ED WILLIAMS



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When state environment workers were taking groundwater samples in downtown Albuquerque back in the 1990s, they discovered a large plume of a solvent called trichloroethylene, or TCE—a toxic chemical (<http://www3.epa.gov/airtoxics/hlthef/tri-ethy.html>) that causes cancer and birth defects—just 35 feet below the ground.

The Environment Department eventually traced (<https://www.env.nm.gov/OOTs/PR/Laun%20Dry%20PR.pdf>) the source of the TCE plume to an old industrial brick building near downtown Albuquerque owned by Laun-Dry Supply Company, a business that distributes dry cleaning chemicals. Over time, those chemicals seeped into the ground and spread through the shallow groundwater at least a mile and a half east under Creamland Dairies and other businesses, under a gas station, into a couple of cemeteries, and maybe even under people's homes.

"TCE is a volatile chemical that evaporates," said Lenny Siegel, who analyzes TCE contamination for the California-based Center for Public Environmental Oversight.

"And when it's in groundwater, it evaporates underground, becomes soil gas, and that soil gas is actually sucked to the surface by buildings. And you really don't know whether the air is acceptably safe in those buildings unless you do some monitoring beyond the groundwater."

The state has sampled the air inside a few commercial buildings in the area, and some of those tests have detected low levels of TCE vapor wafting up from the Laun-Dry plume. TCE contamination in the groundwater has been measured at over 60 times higher than the state standards in some places nearby. There aren't any city water wells near the plume, so drinking water contamination probably isn't an issue. But, Siegel says, those levels of solvents in the ground could be a problem for people on the surface, if the chemicals are vaporizing and coming up into buildings.

"People have a right to know if there is contamination in their water or their air, even if the government decides that the concentrations are acceptable," Siegel said.

Both the state's and the EPA's guidelines (https://www.env.nm.gov/HWB/documents/RA_Guidance_for_SI_and_Remediation_12-24-2014.pdf) say air monitoring should be happening in more structures near the plume, and that there should be



(<http://mediad.publicbroadcasting.net/p/kunm/files>)

A pump sucks up polluted groundwater behind the Laun-Dry building.

CREDIT ED WILLIAMS

a human health risk assessment to see if there is a danger. But that hasn't happened yet.

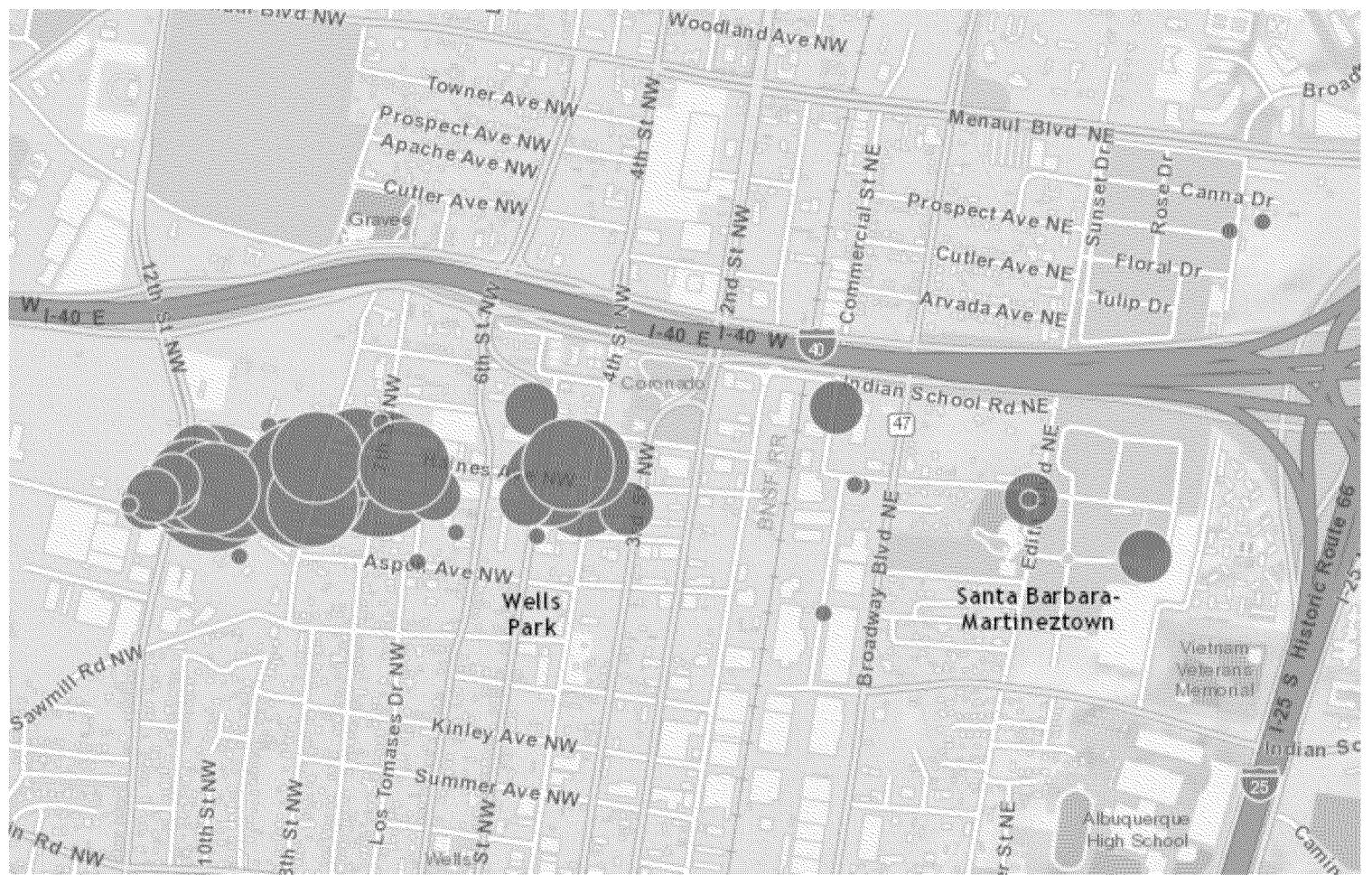
Robert Miranda has lived in an adobe home in the Sawmill District for the past 11 years with his daughter Crystal. Monitoring wells have picked up levels of TCE at over 100 parts per billion just beyond Miranda's backyard. (<http://publichealthnm.org/2015/09/24/map-of-toxic-plume-near-downtown-albuquerque/>) That's 20 times the level that would trigger an air study in many states. But, like his neighbors, Miranda says he was not aware there was any TCE contamination in the area.

"I haven't heard from anybody, no one came around," he said. "I would like someone to come by and have my home checked, because it's not a cement slab, it's off the ground."

Older buildings, especially ones with dirt crawlspaces like Miranda's, are at an even higher risk for TCE vapor.

But it's also possible Miranda and others in the area have nothing to worry about. Just because there's TCE in the groundwater doesn't necessarily mean it's in the air.

Still, experts say an investigation into possible air pollution from the Laun-Dry plume is due, or in this case long overdue, since the solvents may have been in the groundwater for decades.



(http://mediad.publicbroadcasting.net/p/kunm/files/styles/x_large/public/201509/laundry_map_link.pr

Monitoring well readings taken in the Laun-Dry plume investigation. Some wells have measured chemical solvents orders

of magnitude higher than state standards. The size of the bubbles on the map correspond to the amount of contamination measured

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"Unfortunately we can't go back and rewrite history, to the extent exposures may have occurred in the past," said Dr. Will Athas, an epidemiologist at the University of New Mexico. "Certainly to the extent that the solvents may be intruding into homes, businesses, coming up through the air, that would be a cause for concern in an area that, from a public health point of view, should be fully explored."

The City of Albuquerque has known about this TCE plume for years, but officials there declined to comment for this story. A spokesperson for the New Mexico Environment Department would not agree to an interview before air.

So that leaves Robert Miranda with questions he says he wants answered: Why haven't people in the area been told about the plume, and why hasn't more monitoring taken place?

"Anything that has chemicals you know you gotta watch out for that," he said. "That's dangerous, you don't want to be around it all the time sniffing it or anything. It's very scary."

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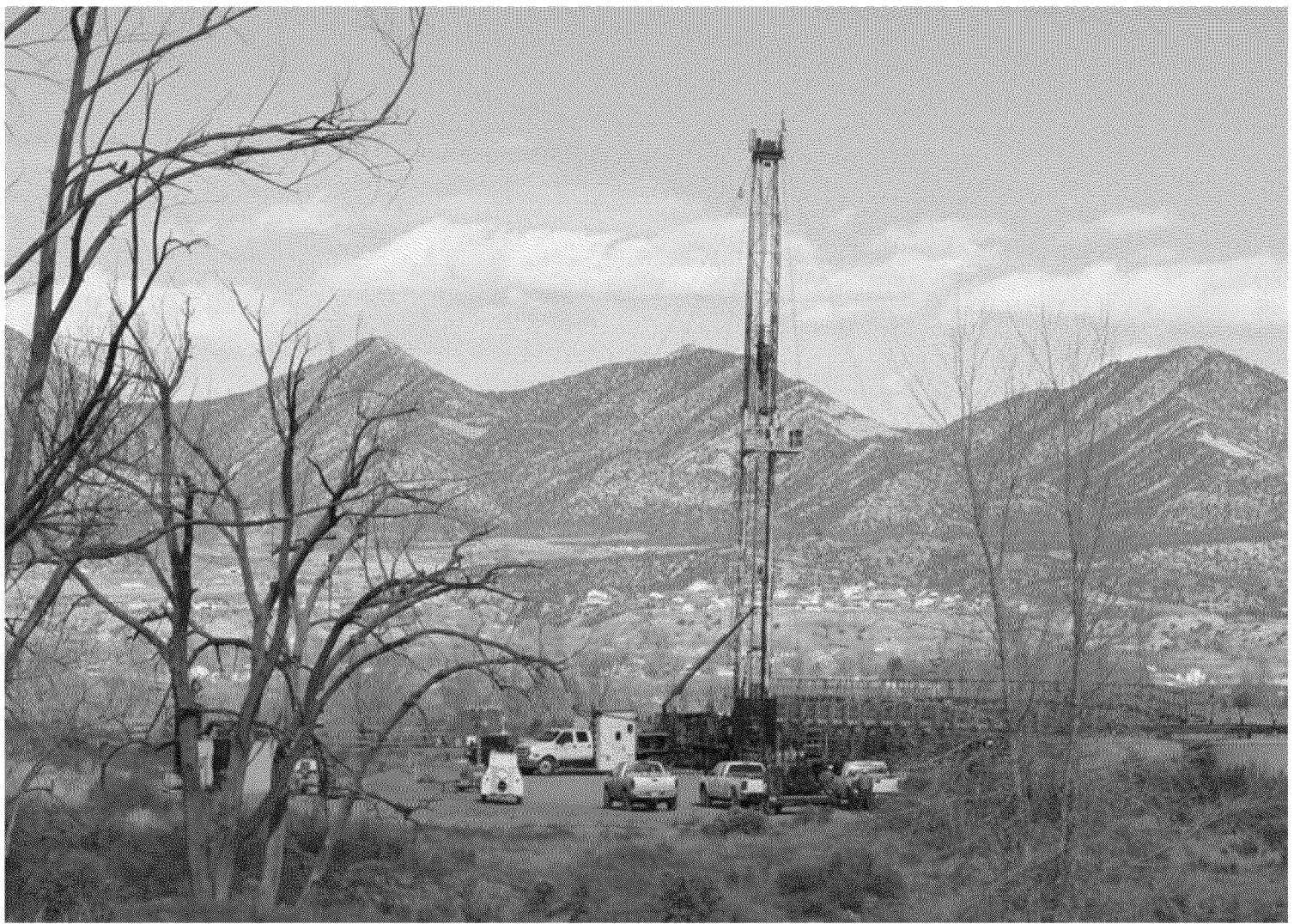
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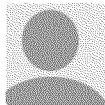
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Regulatory groups release earthquake report

Energy and water regulators and researchers from more than a dozen states released a policy report Monday on understanding the links between energy production and triggered earthquakes.

by Paul Monies Published: September 28, 2015

Energy and water regulators and researchers from more than a dozen states released a policy report Monday on understanding the links between energy production and triggered earthquakes.



The Interstate Oil and Gas Compact Commission and the Groundwater Protection Council hold a joint news conference Monday to discuss a multi-state report on earthquakes. From left: Michael Teague, Oklahoma secretary of energy and environment; Leslie Savage, assistant director for technical permitting, oil and gas division, Railroad Commission of Texas; Rex Buchanan, interim director, Kansas Geological Survey; Richard J. Simmers, chief of oil and gas resources management, Ohio Department of Natural Resources. [Photo by Doug Hoke, The Oklahoman]

The report, from the StatesFirst initiative organized by the Interstate Oil and Gas Compact Commission and the Ground Water Protection Council, surveys the latest research and policy options for regulators dealing with higher rates of earthquakes linked to wastewater disposal wells from energy production.

For Oklahoma residents, the issues aren't new. The state has had more than 670 earthquakes greater than magnitude 3.0 this year, surpassing the 585 earthquakes in that category for all of 2014.

Regulators at the Oklahoma Corporation Commission have instituted a "traffic light" system for permitting wastewater disposal wells in areas of increased seismicity. The commission also has directed operators to reduce volumes, cut disposal well depths or shut in some wells in counties across the state.

"In Oklahoma, we're way past potential for induced seismicity," said Michael Teague, Oklahoma's secretary of energy and environment. "We're in the middle of this problem. But if you're a state like Idaho that doesn't have a whole lot of oil and gas activity, this is a helpful document. It's got all kinds of expertise: regulators, industry folks, researchers at

the academic institutions."

Amid concerns over induced seismicity, a handful of Oklahoma residents have petitioned the Environmental Protection Agency to take over Oklahoma's regulation of the Class II wastewater disposal wells used in energy

Corporation Commission restricts another disposal well near Cushing

Earthquakes continue to rumble near the nation's largest commercial oil hub.

by Adam Wilmoth *Published: September 25, 2015*

The Oklahoma Corporation Commission on Friday restricted volumes at another saltwater disposal well near Cushing following continued earthquakes near the country's largest commercial oil storage facility.

The Joyce well owned by Crown Energy will be cut back to less than 1,000 barrels of water per day, the commission said.

Friday's action follows one week after corporation commission staff directed two saltwater disposal wells in the area to be shut in and three others to have disposal volumes reduced.

Studies have concluded there is a correlation between Oklahoma's earthquake swarm and wastewater disposal wells used by the energy industry. There have been more than a dozen earthquakes of magnitude 2.5 or higher near Cushing over the past two weeks, including a magnitude 4.0 Thursday.

Corporation commission spokesman Matt Skinner said the latest well was selected for tighter restrictions before Thursday's tremor.

Cushing is home to more than 54 million barrels of oil, or about 12 percent of the country's crude stocks.





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More research needed on U.S. earthquakes possibly tied to oil and gas work: report

BY CAREY GILLAM

A coalition of U.S. states warned on Monday that a spike in earthquakes potentially tied to oil and gas activity in places not typically prone to them needs urgent attention from regulators and others to protect public safety.

The report to be released later on Monday by States First includes input from governors, regulators and oil and gas policy leaders in 13 states, including Oklahoma and Kansas, where earthquake activity and intensity have risen in recent years.

The report focused on ties between quakes and wastewater injection from oil and gas production work.

"We see something very new and different happening here in the mid-continent," said Rex Buchanan, interim director of the Kansas Geological Survey and co-chair of the group that issued the report. "We're not used to this level of seismicity."

Oklahoma is recording 2.5 earthquakes daily of a magnitude 3 or greater, a seismicity rate 600 times greater than observed before 2008, according to a report in April by the Oklahoma Geological Survey.

The report's aim is to equip states with tools to evaluate connections between seismic events and injection wells, minimize risk, and be ready when seismic events occur.

Many people have associated the process of hydraulic fracking with earthquakes, but the U.S. Geological Survey said in April that the actual hydraulic fracturing process is only occasionally the direct cause of felt earthquakes. (on.doi.gov/1KGiLzy)

Large volumes of wastewater can result from a variety of industrial processes, including energy production, and several scientific studies have shown that some of the increase in seismic activity in parts of the United States has been "induced" by wastewater injections.

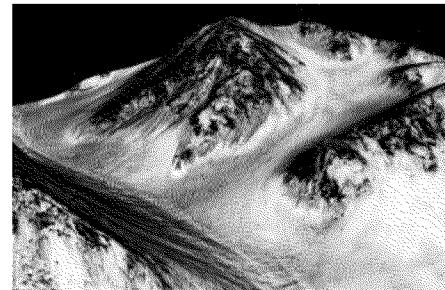
Officials from Illinois, Arkansas, Texas, Indiana, Colorado, Alaska, California, Utah, West Virginia and Wyoming also contributed to the report.

The report suggested several steps that could be taken by states to reduce risk to residents including improving monitoring of seismic activity and well work, direct injection of wastewater into certain faults, and establishing procedures to suspend wastewater injection when seismic activity rises to worrisome levels.

The report said one problem is a lack of good information mapping faults, particularly those at

<http://www.reuters.com/article/2015/09/28/us-usa-quake-oilandgas-idUSKCN0RS2HV20150928>

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or near critical stress points. Researchers also said they do not know how large an earthquake induced by wastewater injection could potentially be.

"The research needs out here are great. We can't see what's going on down there," said Buchanan. "Being able to understand this is a challenge."

(Reporting by Carey Gillam in Kansas City, Missouri; Editing by Lisa Shumaker)

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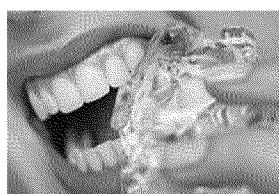
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PESTICIDES:

EPA set to overhaul 23-year-old farmworker safety standards

Tiffany Stecker, E&E reporter

Published: Monday, September 28, 2015

LAMONT, Calif. -- The challenge for every working mother -- pumping breast milk for her infant every few hours -- can be daunting enough in a white-collar office.

Consider how difficult it is in the long rows of grapes, almonds or pistachios here in the Central Valley.

Farm laborer Yuriana Martinez, an 18-year-old mother of two, hides in her car on her carefully timed breaks. But what she can't escape is fear that chemicals to which she's exposed every day might be affecting her and her family.

In the year Martinez has worked in the fields, she said she's received no training in how to safely work around pesticides.

"I do worry about the exposure, I do worry about what's going into the milk," Martinez said. She said she often gets rashes and feels itchy on her face, despite the long sleeves, pants, headscarf and sunglasses that cover her. Her employers are contractors whose crew chiefs are eager to teach workers how to protect fruit from bruising, but less likely to train workers on how to avoid exposing themselves and their families to potentially dangerous chemicals.

More than two decades after U.S. EPA issued the first standards on how to train workers to work safely with pesticides, many advocates say safety is still at risk.

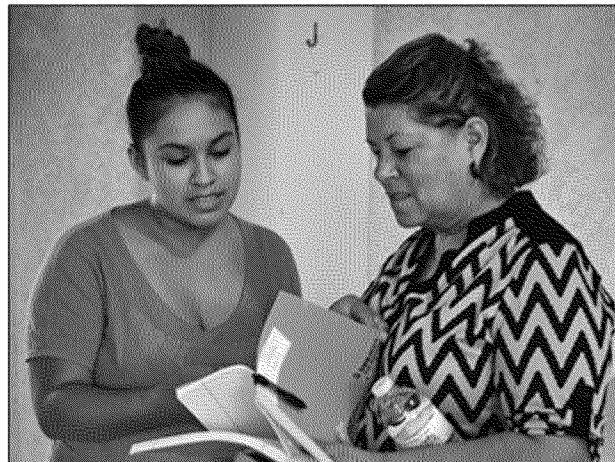
EPA is expected to finalize the first updates since 1992 of the Worker Protection Standard this afternoon, a move that has sparked nearly 400,000 comments from farmworker advocacy groups, the agriculture industry and pesticide companies.

Under the proposed changes unveiled last year, the minimum age for pesticide handlers and early-entry workers would be 16, the first age restrictions since the standards were implemented. Training on how to work safely would be required annually, rather than every five years. For the first time, the 25-to-100-foot no-entry zone of recent spraying would include forests and farms, as well as nurseries.

The proposal also stipulates that at least a gallon of water must be provided for workers and 3 gallons for handlers for decontamination in case of eye or skin exposure. The current requirement is to have "enough" water on hand, a requirement that could be waived with the presence of naturally occurring water nearby.

These are just some of the 24 significant changes EPA is expected to make to the standards. The updates are a bold move from EPA, farmworker advocates say. Currently, companies can simply screen a 10-minute safety DVD to comply with regulations. Record-keeping of training is voluntary. Advice for preventing the spread of chemicals into a worker's home is also vague. The final updates are expected to change this, at least on paper.

"What comes out of EPA... will have actual, real, on-the-ground impact on the lives of people," said Jeannie Economos, pesticide safety and environmental health project coordinator with the Farmworker Association of Florida.



Yuriana Martinez and Blanca Flores, two farmworkers, at a meeting in Lamont. Photo by Tiffany Stecker.

But in most cases, the standards are implemented and overseen by state departments of agriculture. In California, county agricultural commissioners enforce the rules.

It's here where enforcement slackens, worker advocates say, as shrinking budgets cut auditors and trainers; there typically aren't enough inspectors to carry out unannounced audits.

"They're not exactly surprise inspections," said Virginia Ruiz, director of occupational and environmental health at Farmworker Justice.

'Valley fever'

The complaint-based mechanism for enforcement also has its pitfalls.

Around the time the Worker Protection Standard came out in the 1990s, crew leaders were creating incentives for not reporting, promising big-screen televisions and VCRs to the teams with the fewest reported incidents, recalled Mily Treviño-Sauceda, co-founder of Lideres Campesinas, a California-based farmworker advocacy group.

Fear of deportation in this mostly immigrant sector is also a factor. There are an estimated 66,000 undocumented workers here in Kern County.

The historic drought is also exacerbating the effects of lax safety training, Treviño-Sauceda said.

As earnings for farmworkers dry up, families are moving in together in cramped quarters, leading to higher risk of pesticide exposure, Treviño-Sauceda said.

Outside EPA requirements, state laws are variable. While buffer zone laws on farms exist in California and in Washington state, they are lacking in the rest of the country, namely agriculture-heavy Florida, Economos said.

Even with standards in place, companies have skimped on following through, said Gustavo Aguirre, director of organizing at the Center on Race, Poverty and the Environment. Employers fill out paperwork without holding a training session.

Once a year is far from what's needed, said Aguirre, a ruddy-faced man who came to California from Guanajuato, Mexico, in 1980 to work the fields. "Even two times a year is not enough, in my opinion," he said.

The Central Valley is ranked among the most polluted areas in the country, with ground-level ozone and airborne dust and soot hitting the top percentiles for the state, leading to more than 1,200 premature deaths per year, according to EPA. Locals complain of "valley fever" -- *fiebre del valle* in Spanish -- a malaise marked by respiratory infections caused by a soil fungus.

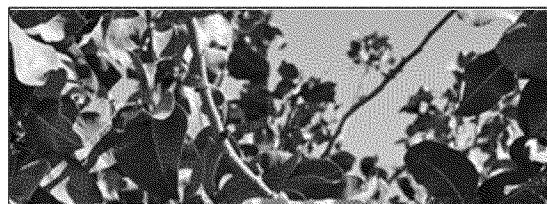
While the older classes of pesticides like organophosphates and pyrethroids have been linked to short-term health issues like nausea, headaches and skin irritations, researchers have pointed to longer-term developmental delays in children exposed -- findings that are vigorously disputed by the industry.

Indeed, attributing the effects of chronic pesticide exposure is a difficult task, as cancer and other long-term health problems are difficult to tack onto a specific cause.

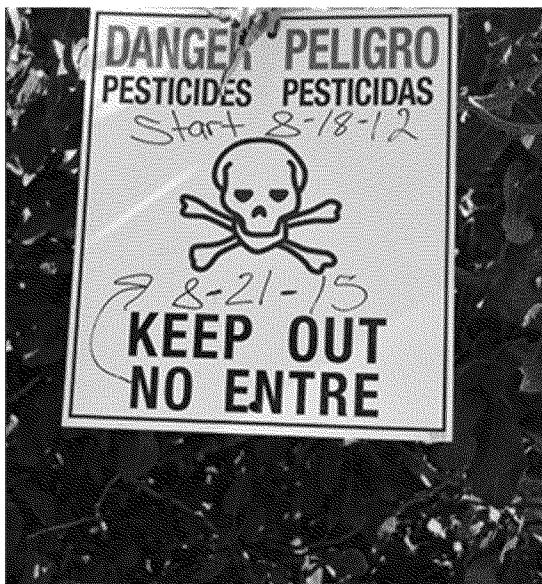
Pesticide exposure is a given among field laborers, many of whom have grown up with parents and grandparents as farmworkers. Most laborers can talk about at least one time when they were sprayed directly with chemicals. For Treviño-Sauceda, the first time was when she was a teenager in a lemon grove near Blythe, Calif., in the 1970s. While she stood on a ladder against a tree alongside her brothers, a crop duster suddenly flew above.

"Then comes a plane, and zoom," said Treviño-Sauceda, the third child of 10 in a migrant family that traveled up and down the western United States. "We didn't expect it."

As it turned out, she said, the agriculture company had mistakenly sprayed the wrong grove that day. Workers were disoriented and had difficulty breathing, she remembered. Her eyes were itching, and others complained of headaches. There was no water to wash their faces, and the more they tried to scratch their eyes, the more they itched. Her brother vomited several times. The workers were taken home in a bus, unwashed.



Not everyone has the same standards for which workers get training. Gloria Tinoco, safety manager for Bakersfield, Calif.-based labor provider Garza Contracting, says the company only performs pesticide safety training for workers who directly apply the pesticides.



A sign alerts farmworkers not to enter a pistachio grove recently sprayed with pesticides. Photo by Tiffany Stecker.

potential developmental delays to children and fetuses.

But growers, many of whom filed comments to EPA last year, were outraged at the massive costs that would arise from relatively few benefits.

The financial burden of updating the standards will fall disproportionately on small and medium-sized farms, said Dudley Hoskins, public policy counsel for the National Association of State Departments of Agriculture, which represents officials who are often responsible for implementing federal regulations.

There are the larger-scale employers that have very sophisticated operations and significant internal requirements, Hoskins said, and there are the very small family farms.

"In between those two entities, in both size and scope, is where the most impacted group of the regulated community is found," he said.

The cost-benefit equation in the proposed rule understates the burdens that the growers would have to undertake, he added, and the variety of agricultural systems around the nation would make a uniform federal system almost impossible to implement.

When it comes down to the added costs of strengthening the rules -- requiring bookkeeping, annual training and inspections from third-party auditors, for example -- additional costs are largely unknown, said Jim Aidala, a senior government consultant with

Bergeson & Campbell PC and former head of EPA's chemical safety office under President Clinton.

There are also situations where hard rules would be difficult to implement, he said. One example is the enforcement of a no-entry period in fields after a spraying, which can stretch over several days.

"[What if] somebody says, 'I've got to move the irrigation pipes'?" Aidala said. "I can't wait [48 hours] to move irrigation pipes."

"It's probably 1 percent, or less than 1 percent," she said of the farmworkers the company hires.

Cost concerns

EPA estimates the cost of the regulations to be between \$62 million and \$73 million annually, with most of the cost on the agricultural employer.

The benefits are estimated to be between \$5 million and \$14 million annually, from avoided acute illnesses.

In writing the proposed rule, EPA recognized the glaring disparity between the cost to growers and the benefits to farm laborers. The \$5 million to \$14 million in benefits is conservative, the agency said.

The figure is based only on avoided costs in medical care and lost productivity to workers and handlers. It also assumes that just 25 percent of acute pesticide incidents are reported. Long term, chronic effects of pesticide exposure to workers and handlers are not measured, nor are the



Fabian Serrano shows off bunches of moondrop grapes in a vineyard near Bakersfield, Calif. Photo by Tiffany Stecker.

PESTICIDES: EPA set to overhaul 23-year-old farmworker safety standards -- Monday, September 28, 2015 -- www.eenews.net
 Fabian Serrano, a crew leader in the table grape vineyards near Shafter, Calif., said its clear when pesticides are present. There are fresh tracks from the vehicle that sprays the pesticides between the rows, and a smell present, he said.

Workers have learned to pick up on these signs thanks to training, he said.

Serrano, 34, has worked in the fields for 17 years for a host of large agricultural companies, including fruit growers Sun World and Bidart Brothers. When it comes to pesticide knowledge, he said, the trend is only positive.

"Each year is stronger," he said.

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THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS

EPA:

Agency action will determine if Navajos sue over spill -- lawyer

Manuel Quiñones, E&E reporter

Published: Monday, September 28, 2015

Attorneys for the Navajo Nation say litigation against U.S. EPA over last month's abandoned mine spill in Colorado will depend on the agency's willingness to address tribal concerns in the weeks ahead.

EPA work on the abandoned Gold King site in Colorado spilled 3 million gallons of wastewater down the Animas and San Juan rivers, impacting crops and businesses downstream.

The incident has sparked an intense debate over the extent of EPA's responsibility and whether the agency is doing enough to ensure compensation for communities that were affected by the pollution. New Mexico Environment Secretary Ryan Flynn has said states may sue, and Indian tribes are weighing their options.

"We certainly have not approached this as a shoot first and ask questions later," said John Hueston, an attorney with Hueston Hennigan LLP who is representing the Navajo Nation, which has been deeply critical of EPA's response.

Hueston says the nation is engaged in "a process of peace and cooperation first." Navajos want to see "to what degree [EPA leaders] are willing to cooperate on all fronts."

Hueston says EPA cooperation goes beyond compensation for damage and reimbursing the tribe for expenses. Navajos also want "comprehensive sediment testing, which is expensive and difficult," among other demands.

Some lawmakers on Capitol Hill have expressed concern about EPA using the legal doctrine of sovereign immunity -- holding the government immune from litigation -- to avoid properly compensating tribes, communities and businesses.

The Federal Tort Claims Act of 1946 was meant to strip the government of some of that immunity and help compensate citizens for damage caused by the administration. A "tort" is defined as a civil wrong. Still, questions about its scope remain.

"The government has a broad discretionary function exemption from liability under the FTCA and it seems likely that the EPA judgments that may have contributed to this spill would be covered by that exemption," John Echeverria, Vermont Law School professor, wrote in an email.

"But I assume there would be no barriers to either suing, if they could show injury, which should not be hard in theory," said Echeverria, stressing that he doesn't have all the case details.

Hueston said the courts have yet to cement their views on citizens or groups suing government agencies for damages. "There is some debate in the case law nationally whether or to what degree one can sue EPA," he said.

Still, Hueston said the Superfund law allows natural resource claims. And the FTCA also allows legal action against EPA, as long as the Navajos pursue their fight at the agency level first.

"I think there are multiple litigation avenues available to the Navajo Nation," Hueston said. "Many people assume there's this broad sovereign immunity. There are many, many exceptions to that."

One issue revolves around interpreting EPA's actions at Gold King. The agency says it was there to prevent a wastewater blowout -- which is exactly what happened -- as part of its responsibility to protect the environment.

But Hueston said EPA may have done more than required, acting as an operator and cleanup organizer. "We feel in this instance that EPA did more than enumerated cleanup tasks," he said, giving his clients more flexibility to sue.

Hueston points to several cases to make his point, including *United States v. Iron Mountain Mines Inc.*, where the U.S. District Court for the Eastern District of California took a dim view of government immunity in a complicated 1990s case that also involved a leaky mine.

Hueston said the judge ruled "the government would remain liable for its own negligence."

"That's an example of a court that has fully rejected any sort of implied doctrine for immunity."

EPA promises to do its best

EPA's liability has been the subject of deep scrutiny on Capitol Hill. EPA Administrator Gina McCarthy said the administration would reimburse local governments for spill response costs, and said the agency was processing claims under the FTCA.

Sen. Heidi Heitkamp (D-N.D.) pointed to an incident involving the Forest Service where the administration promised to compensate people for fire damage.

"But when it came time to file the tort claims, somehow magically there was no negligence, magically whatever culpability and damages as a result of that culpability dissipates," she told McCarthy. "I want a commitment from you that this won't happen in this case."

McCarthy said, "I'll do the very best I can."

Heitkamp went on, "Do not put these tribal leaders and their tribes through the process simply to forestall compensation for the damages." She said things can often get difficult when attorneys get involved.

EPA has been pointing potential claimants to what is known as Standard Form 95. They can pursue compensation for "negligent or wrongful" government actions, according to an agency fact sheet. EPA says parties have two years to file claims.

But House Oversight and Government Reform Chairman Jason Chaffetz (R-Utah) told McCarthy during a hearing that EPA was distributing claims forms "apparently to obtain release by members of the Navajo Nation." He asked, "Do you deny that your people were handing out this form?"

McCarthy said, "Did we supply forms to the Navajo, the Navajo Nation leadership? Absolutely." McCarthy added, "It is not a settlement or a release form."

EPA's fact sheet, available online, stresses McCarthy's point and says people may amend their claims prior to reaching a settlement with EPA or before litigation under FTCA. The standard form is not required.

EPA said attorneys' fees are not part of FTCA settlements. The agency said lawyers cannot collect more than 20 percent of settlement amounts to claimants, or more than 25 percent of a judgment or settlement resulting from litigation.

"If you accept a final settlement from EPA for your claim related to the Gold King Mine accident," said EPA, "you may not pursue additional claims originating from the Gold King Mine accident."

Despite EPA assurances, several lawmakers have introduced claims-related legislation meant to protect people affected by the Gold King mine spill.

A bill, S. 2063, by Senate and House Democrats from Colorado and New Mexico would set up a claims office within EPA to address a list of so-called allowable damages (*E&ENews PM*, Sept. 22).

Other lawmakers, including Rep. Lynn Westmoreland (R-Ga.), have pushed to strip EPA of any sovereign immunity in cases where the agency causes damage while trying to protect the environment.

"The EPA is seeking to avoid any hit on its budget for judgments against it," said Rep. Doug Lamborn (R-Colo.). "It wants other parts of the federal government to pay any judgments."

Criminal charges?

Lawmakers, particularly Republicans critical of EPA, have wondered about a criminal probe of either EPA or its contractor, Environmental Restoration LLC. They point to criminal actions against private polluters.

Paul Larkin and John-Michael Seibler, legal fellows at the conservative Heritage Foundation, penned a memorandum on whether EPA should face criminal scrutiny.

"The government should be put to a choice: Either abandon criminal liability based on negligence, respondeat superior, and collective responsibility theories in the case of private parties," they wrote, "or bring charges against the EPA officials at the scene and up through the responsible chain of command."

The legal doctrine of "respondeat superior" involves holding employers liable for employee actions.

When Rep. Louie Gohmert (R-Texas) asked whether a criminal investigation was underway following Gold

EPA: Agency action will determine if Navajos sue over spill -- lawyer -- Monday, September 28, 2015 -- www.eenews.net
King, McCarthy said, "I am unaware of any criminal investigation, sir."

Gohmert said, "Ah, well, there's the rub. Your agency is above the law and all the damage you do to the environment, and you want to be in charge of all the waters of the United States." EPA has denied wanting to expand its jurisdiction over waterways, although the Obama administration's proposed Waters of the U.S. rule would increase the number of water bodies covered by the Clean Water Act.

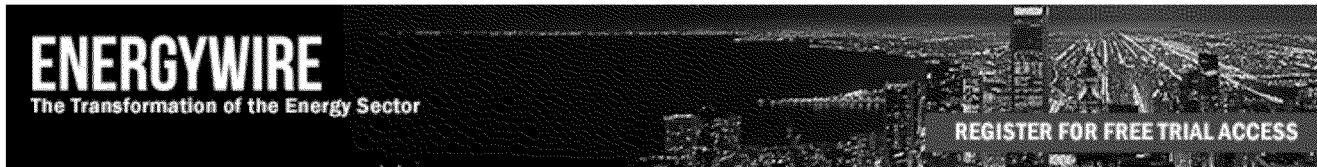
McCarthy said, "We are holding ourselves fully accountable." And if the Interior Department investigation finds negligence or criminal issues, she told Lamborn, "then we will have to be held accountable for that as well."

McCarthy also said the agency was still using Environmental Restoration as a contractor. "I am not sure where fault lies," she said. "That's what the Department of Interior will try to identify."

Echeverria said he found criminal charges against EPA hard to imagine. He also said it was odd for lawmakers to be so focused on potential agency wrongdoing rather than the broader abandoned mine problem.

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POWER PLAN HUB:

States cue up initial talks on EPA rule options

Emily Holden and Rod Kuckro, E&E reporters

Published: Monday, September 28, 2015

States around the country are buckling down to explore Clean Power Plan compliance options, even while some of them plan lawsuits against U.S. EPA.

This week will feature public meetings in California, Georgia and Virginia. In the last several weeks, agencies and stakeholders also met in Colorado, Minnesota, Missouri, Montana and Pennsylvania. (Visit our [Power Plan Hub](#) state pages for those stories and stay tuned for more from those states in *ClimateWire* this week.)

Most states are starting to gather input from residents and special interests while exploring decisions they will have to make in writing plans (or requesting two-year extensions) by September 2016.

States must decide whether to pursue rate-based or mass-based standards -- to either reduce the level of power plant emissions or cap the total carbon output of the electricity sector. They are weighing various policies to cut emissions and considering whether to include compliance-credit trading options to work with other states to achieve carbon goals.

To gain an extension, states must at least describe options they are considering, justify their need for more time and describe their public outreach efforts.

Many states must also consider what roles state agencies and legislatures will play.

Scoping out state events

In [Georgia](#) today, the Georgia Institute of Technology's School of Public Policy and Emory University's [Climate@Emory](#) will host a town hall on options for complying with the Clean Power Plan.

Speakers include Karen Hays, chief of Georgia's Environmental Protection Division Air Protection Branch, and Chuck Eaton, chairman of Georgia's Public Service Commission, as well as representatives from Georgia's Department of Economic Development, U.S. EPA, Emory and Georgia Tech.

E&E reporter Kristi E. Swartz will attend.

In [Colorado](#) on Wednesday, the Colorado State University Energy Institute, the Center for the New Energy Economy and the School of Global Environmental Sustainability will co-host an [informational overview](#) of EPA's Clean Power Plan, featuring former Colorado Gov. Bill Ritter (D) and CNEE senior policy advisers. CNEE has been organizing Western states considering compliance paths for the rule.

In [California](#) on Friday, the Air Resources Board will hold an all-day public [workshop](#) on the state's cap-and-trade program and plan for complying with the Clean Power Plan. The portion from 3 to 5 p.m. PDT will focus on the U.S. EPA rule. E&E's Debra Kahn will report on the event.

[Virginia](#) has also been holding informal [listening sessions](#) around the state.

Around Capitol Hill

At 1 p.m. tomorrow, the Environmental and Energy Study Institute will host a [briefing](#) about the best compliance strategies for the Clean Power Plan. EESI's lineup includes EPA Office of Air and Radiation senior counsel Joe Goffman and the executive directors of the organizations that represent state air administrators, electric regulators and energy officials.

Bill Becker will speak for the National Association of Clean Air Agencies, Charles Gray will represent the National Association of Regulatory Utility Commissioners, and David Terry will appear for the National Association of State Energy Officials.

Republicans in Congress will renew their attacks on the Obama's administration's air rules with a Senate Energy and Public Works Committee hearing, also at 10 a.m. tomorrow.

The EPW Committee hearing will explore the "economy-wide implications of President Obama's air agenda."

POWER PLAN HUB: States cue up initial talks on EPA rule options -- Monday, September 28, 2015 -- www.eenews.net
 The E&E News Committee ~~hearing~~ will explore the economy-wide implications of President Obama's air agenda, and will focus on the ozone rule. EPA air chief Janet McCabe will testify.

Related events

In West Virginia through tomorrow, the Southern States Energy Board meets to consider the transformation of the electricity industry and impacts to coal suppliers. A panel today will explore nuclear power's role in the Clean Power Plan. McCabe will speak about the federal role in fostering innovation and clean energy technologies.

In Austin on Wednesday and Thursday, E&E reporter Edward Klump will be following the Gulf Coast Power Association's fall conference, which includes a keynote address by Federal Energy Regulatory Commission member Colette Honorable and a session on the challenges and opportunities of regulations like the Clean Power Plan to the power business.

The latest CPP news

In case you missed it:

- Top officials in North Carolina say nuclear power may be the best compliance option for the Clean Power Plan (*ClimateWire*, Sept. 28).
- The Colorado Department of Public Health and Environment sketched out questions for the public to consider as the agency works on a compliance plan with electric regulators and the state Energy Office (*ClimateWire*, Sept. 28).
- While opponents of the Clean Power Plan await its publication in the *Federal Register* before they can move forward with attacks, E&E reporter Rod Kuckro looked into why the process takes so long (*EnergyWire*, Sept. 25).
- North Dakota Gov. Jack Dalrymple will meet with EPA officials to protest his state's vastly tougher goals under the final rule. A number of Western governors are visiting Washington, D.C., this week to attend congressional hearings. E&ETV's Monica Trauzzi will sit down with several of them (*EnergyWire*, Sept. 25).
- Montana is grudgingly preparing options for Clean Power Plan compliance, while weighing whether to sue (*ClimateWire*, Sept. 24).
- The Southwest Power Pool says multi-state coordination to cut CO2 is the smartest option (*ClimateWire*, Sept. 24).
- *ClimateWire* explored an emerging political narrative about whether the Clean Power Plan creates "winners" and "losers" among the states (*ClimateWire*, Sept. 21).
- A white paper from a former Wisconsin electricity regulator and onetime adviser to Energy Secretary Steven Chu says complaints that the rule will harm electric reliability are all political (*EnergyWire*, Sept. 21).

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Energy Exchange

What do EPA's Methane Rules Mean for the Energy Economy?

By [SEAN WRIGHT](#) | Published: SEPTEMBER 28, 2015

Live morning webcast 9/29

Around the country, people are talking about methane. Last week hundreds showed up to testify at public hearings in Dallas and Denver, weighing in on the Environmental Protection Agency's proposal to fight oil and gas methane pollution.

Tomorrow, EPA will hear from many more stakeholders in Pittsburgh, while a panel of experts that [EDF is convening](#) in Washington, DC, will discuss how we can cost-effectively reduce methane pollution using technologies already on the market.

The public hearings have largely reflected the concerns of local communities impacted by oil and gas industry air pollution. This is important as an [overwhelming majority of voters](#) support EPA's proposal and view new rules as reasonable and necessary. This is hardly a surprise considering the oil and gas industry [wastes over 7 million tons](#) of methane pollution into the air every year, representing enough gas to heat 5 million homes and \$1.2 billion dollars (at current prices) that could otherwise help boost our local economies. This tonnage of methane leakage also packs the same short-term warming power as 160 coal-fired power plants each year.

Though the energy waste and pollution is enormous, cutting methane emissions is not an insurmountable problem. That's what you can expect to hear from tomorrow's discussion hosted by [The Hill](#) titled, "[Powering the Economy: A Discussion on Natural Gas, Methane Policy, and American Business](#)."

Event speakers include leaders from the field such as Martha Rudolph, a Colorado regulator involved in issuing and implementing Colorado's [first-in-the-nation methane rules](#) and Southwestern Energy, an oil and gas operator already integrating methane reduction into their business practice. A comprehensive national policy can provide a level playing field for the entire energy economy, which in turn can boost [investor confidence](#) in the energy sector, as speaker Bryan Rice of the California State Teachers' Retirement System (CalSTRS) will likely mention.

[FLIR](#), a company in the methane mitigation industry, will also be speaking about the the proven,



straightforward and cost-effective solutions available to reduce methane pollution, and call attention to places where jobs have grown, including Colorado and Wyoming, despite tighter limits on oil and gas pollution being put into place.

We expect tomorrow's discussion on EPA's proposal to be a lively one, bringing in a range of perspectives to discuss why it is important to reduce methane, what oil and gas operators can do to limit these emissions using available technology, what EPA's proposal might achieve and how it can be implemented at manageable cost to industry, and the overall impact that these policies might have on the American energy economy.

Join the conversation online via Twitter at [#MethaneForum](#) and by watching the live [webcast](#).



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What the EPA's Expected Ozone Limits Could Mean for Austin

By [MOSE BUCHELE \(/PEOPLE/MOSE-BUCHELE\)](#) • 22 HOURS AGO

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New ozone restrictions from the Environmental Protection Agency could put transportation projects at risk of losing qualification for federal grants.

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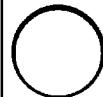
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This week the US Environmental Protection Agency is expected to announce new limits on the amount of ozone Americans breathe. Those limits could force Austin and other Texas cities to reduce ground-level ozone pollution in an effort to mitigate the pollutant's harmful health effects.



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Way up in the atmosphere, naturally occurring ozone gas helps protect you from the sun's radiation. But down here on the ground, manmade ozone is bad for your health.

"It causes mild impacts like sore throat, itchy eyes, runny noses," says Adrian Shelley of Clean Air Alliance Houston (<http://airalliancehouston.org/>). "To more severe impacts – asthma, heart attacks. Ozone is even linked to premature death."

The EPA has found that current standards still allow unsafe levels of the stuff. So, the agency will mandate stricter standards. That means more Texas cities will be out of compliance with federal law when it comes to ozone.

Austin, for example, is in compliance under current limits, but just barely. So far this year, Austin has the 6th highest number of high ozone days behind Houston, Dallas, Fort Worth and San Antonio. Austin has had four days of ozone level averages over 76 parts per billion during an eight-hour span, while Houston leads the state with 22 high-ozone days over that same time span in 2015, according to the Texas Commission on Environmental Quality (http://www.tceq.state.tx.us/cgi-bin/compliance/monops/ozone_summary.pl#thresholds).

When cities fall out of compliance, it makes it harder to get federal funding and approval for things that could increase ozone, like road projects – something Austin desperately wants.

"The federal government, in order to get federal funding for different roads, requires you to jump through a number of hoops," State Senator Kirk Watson said at a clean air event attended by the Austin Monitor earlier this year (<http://www.austinmonitor.com/stories/2015/07/new-ozone-standards-may-challenge-austin/>). "If you go into non-attainment, you have to do more things than you're currently needing to do, including ... showing how it is you're going to clean up the air and get into attainment. Ultimately, it could mean that you will not get the funding."

Adrian Shelley says industry also pays a price. "New companies face stricter permitting requirements," he says. "They face what are called offset requirements which means if they want to produce new pollution in the atmosphere they need to reduce pollution elsewhere."

This Thursday is the deadline for the EPA to announce the new ozone standards, which are reportedly expected to limit ozone pollution (<http://thehill.com/policy/energy-environment/254994-week-ahead-epa-set-to-release-ozone-rule>) to 65 or 70 parts per billion.

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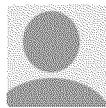


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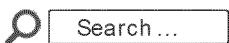


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EPA ANNOUNCES NEW REGULATION FOR FARMWORKERS

BY EPA/NAFB News | September 29, 2015

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The U.S. Environmental Protection Agency (EPA) announced Monday increased protections for the nation's two million agricultural workers and their families.

"President Obama has called closing gaps of opportunity a defining challenge of our time. Meeting that challenge means ensuring healthy work environments for all Americans, especially those in our nation's vulnerable communities," said EPA Administrator Gina McCarthy. "We depend on farmworkers every day to help put the food we eat on America's dinner tables—and they deserve fair, equitable working standards with strong health and safety protections. With these updates we can protect workers, while at the same time preserve the strong traditions of our family farms and ensure the continued growth of our agricultural economy."

"No one should ever have to risk their lives for their livelihoods, but far too many workers, especially those who work in agriculture, face conditions that challenge their health and safety every day," said U.S. Secretary of Labor Thomas E. Perez. "Workplace illness and injury contribute greatly to economic inequality, and can have a devastating impact on workers and their families. By promoting workplace safety, these provisions will enhance economic security for people struggling to make ends meet and keep more Americans on the job raising the crops that feed the world, and we are proud to support the EPA in this effort."



We depend on farmworkers every day to help put the food we eat on America's dinner tables—and they deserve fair, equitable working standards with strong health and safety protections.



- EPA Administrator Gina McCarthy

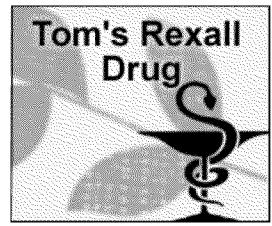

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The American Farm Bureau Federation though has concerns over the regulations that will be published in the Federal Register within the next 60 days. Farm Bureau's Paul Schlegal said that Farm Bureau shares the desire to protect workers, but that "we are concerned that the agency is piling regulatory cost on farmers and rancher that bear little if any relation to actual safety issues."

The new rules will include annual safety training and that children under the age of 18 are prohibited from handling pesticides. AFBF filed extensive comments on the proposal more than a year ago. Then, as now, AFBF said EPA itself could not justify the regulation it was proposing.



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Moorhead: Texas needs to address poverty, pollution and polarization

Posted: 11:28 a.m. Monday, Sept. 28, 2015

By Bee Moorhead - Special to the American-Statesman

Pope Francis' address to Congress explored a range of seemingly disparate topics ranging from poverty and needs of families, to climate change and violence, to religious intolerance and political polarization. The pope's assessment of the world's needs and America's potential role in addressing them was an elegant theological argument for Triple Bottom Line (3BL) thinking on a global scale.

Conceptually, 3BL is a system of thinking about the interconnectedness of human society, the environment, and the economy, or the "three P's" — people, planet, and profits. It's the basis for accounting systems that include human, natural and financial capital.



Bee Moorhead is executive director of Texas Interfaith Center for Public Policy/Texas Impact.

The pope invited American political leaders to embrace just this approach by integrating management of

<http://www.mystatesman.com/news/news/opinion/moorhead-texas-needs-to-address-poverty-pollution-/nnp6c/>

2/7

wealth, natural resources, and technology to build a “modern, inclusive, sustainable” future. Texas could blaze a trail toward that future — but first we need to address three very different “P’s”: poverty, pollution and polarization.

In pleading for economic justice, Pope Francis didn’t recite data about poverty in Texas — but had he chosen to, he couldn’t have picked a better week to do it. On Sept. 16, the Census Bureau released new poverty estimates. Texas once again outstripped the national poverty rate, as we have done since at least 1959. According to the U.S. Census Bureau, in 2014 more than 4 million Texans — more than 16 percent — lived below 100 percent of the Federal Poverty Level.

The poverty picture is bleaker in Texas for women than it is for men, especially for children and seniors—two groups Pope Francis commended to political leaders’ particular care. About 24 percent of Texas children are poor compared to 21 percent of all American children. But nationally, boys and girls under 17 are poor at about the same rate; in Texas, 25 percent of girls are poor, compared to 23 percent of boys. The situation is worse for seniors: Texans over 65 are just one percentage point poorer, at 11 percent, than the U.S. average — but more than 15 percent of Texas senior women are poor, compared to just under 7 percent for senior men and 12 percent of senior women nationally.

In calling for climate protection, Pope Francis didn’t allude to the recent EPA methane rule hearing in Dallas — but Texas’ resistance to methane regulation has implications for both human health and the natural world. Methane is responsible for about 25 percent of global warming; reducing methane would also cut other air pollution that causes cancer and asthma.

The oil and gas industry is the largest industrial source of methane pollution, emitting more than 7 million metric tons each year. But Texas state regulators have declined to establish methane standards, and lawmakers recently stripped local authority to supplement state oversight.

In urging Americans to “support each other with respect for differences,” Pope Francis didn’t mention Sandra Bland or Ahmed Mohamed, but Texans listening surely got the message: racial and religious tensions permeate our state. According to a recent UT/Texas Tribune poll, Texans are even polarized about the extent of our division.

For example, fewer than half of tea party adherents believe Muslims are discriminated against in the U.S. compared to nearly three-quarters of all Texans; 29 percent of urban voters feel Hispanics face “a lot” of discrimination, compared to 10 percent of rural voters. The pope didn’t mention Texas by name, but Texas is currently functioning as a domestic microcosm of many of the concerns he highlighted.

By applying 3BL thinking at a state level, Texas could lead the nation in advancing Pope Francis’ vision — one shared by leaders of many faith traditions throughout the world — of a global community in which every human person flourishes in a climate of peace, freedom and dignity.

Moorhead is executive director of Texas Interfaith Center for Public Policy/Texas Impact.

In this Section

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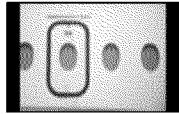
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EPA set to tighten smog limits as business gears for fight

Matthew Daly, Associated Press Updated 3:00 am, Tuesday, September 29, 2015

WASHINGTON (AP) — Facing a court-ordered deadline, the Obama administration is preparing to finalize stricter emissions limits on smog-forming pollution linked to asthma and respiratory illness.

The move fulfills a long-delayed campaign promise by President Barack Obama, but sets up a fresh confrontation with Republicans already angry about the administration's plans to curb carbon pollution from coal-fired power plants and to regulate small streams and wetlands.

Business groups panned the Environmental Protection Agency's proposed ozone rules as unnecessary when they were announced last fall, calling them the costliest regulation in history and warning they could jeopardize a resurgence in American manufacturing.

But EPA Administrator Gina McCarthy argues that public health benefits far outweigh the costs and says most of the U.S. can meet the tougher standards without doing anything new.

The rules are causing a ruckus on Capitol Hill even before the final plan is announced. The EPA is expected to act by Thursday to set a new ozone limit of 70 parts per billion or less in the atmosphere, down from the existing standard of 75.

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Janet McCabe, the EPA's top air regulator, will defend the rule on Tuesday at a Senate hearing called by Republicans who have vowed to "rein in" an agency they say has run amok.

Sen. James Inhofe, R-Okla., chairman of the Senate Environment and Public Works Committee, said the ozone proposal will have negligible environmental benefits and comes with huge economic costs. Instead of creating a job-killing mandate, the EPA should focus on helping counties across the nation that have not yet met the current standards, he said.

"A new standard at this time is not only irresponsible, but also impractical and economically

destructive," Inhofe added.

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But Paul Billings, senior vice president of the American Lung Association, said EPA should not consider cost, but instead focus on protection of the public's health and safety.

Once a standard is set that protects the public, then cost can be factored in, Billings said. The lung association has played a key role in development of ozone standards through a series of legal actions over the past two decades.

"Less smog means better health for all of us," Billings said.

The National Association of Manufacturers is leading opposition to the new rule and argues in TV ads that the current ozone rule works. The ad features a video clip of Obama saying the U.S. has largely "solved" the smog problem since the days when thick air pollution in Los Angeles and other big cities made it difficult to breathe.

"With air quality the best it's been in decades and still improving, bipartisan leaders across the United States agree now is not the time for a new ozone rule," said Jay Timmons, the group's president and CEO.

Cutting ozone emissions to 70 parts per billion would cost industry about \$3.9 billion in 2025, the EPA estimated, while a stricter limit of 65 would push the cost up to \$15 billion. A price tag that high would exceed that of any previous environmental regulation in U.S. history.

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<http://www.chron.com/news/science/article/Roswell-groundwater-plume-considered-for-6536811.php>

Roswell groundwater plume considered for Superfund status

Updated 7:03 am, Tuesday, September 29, 2015

ROSWELL, N.M. (AP) — An area of contaminated water in downtown Roswell is being considered for addition on the Superfund National Priorities List.

The U.S. Environmental Protection Agency says several dry cleaning businesses had operated there from 1956 and 1963. It's now a mix of residential and commercial use.

The agency says the contaminant of concern is a colorless, nonflammable liquid used by the dry cleaning industry. It's been detected in the alluvial aquifers underlying a portion of downtown Roswell.

The agency says it poses a threat to the municipal and private drinking water supplies but not anytime in the near future.

The EPA said Monday that it will work closely with the state of New Mexico and seek public comment before determining whether to list the Roswell site.

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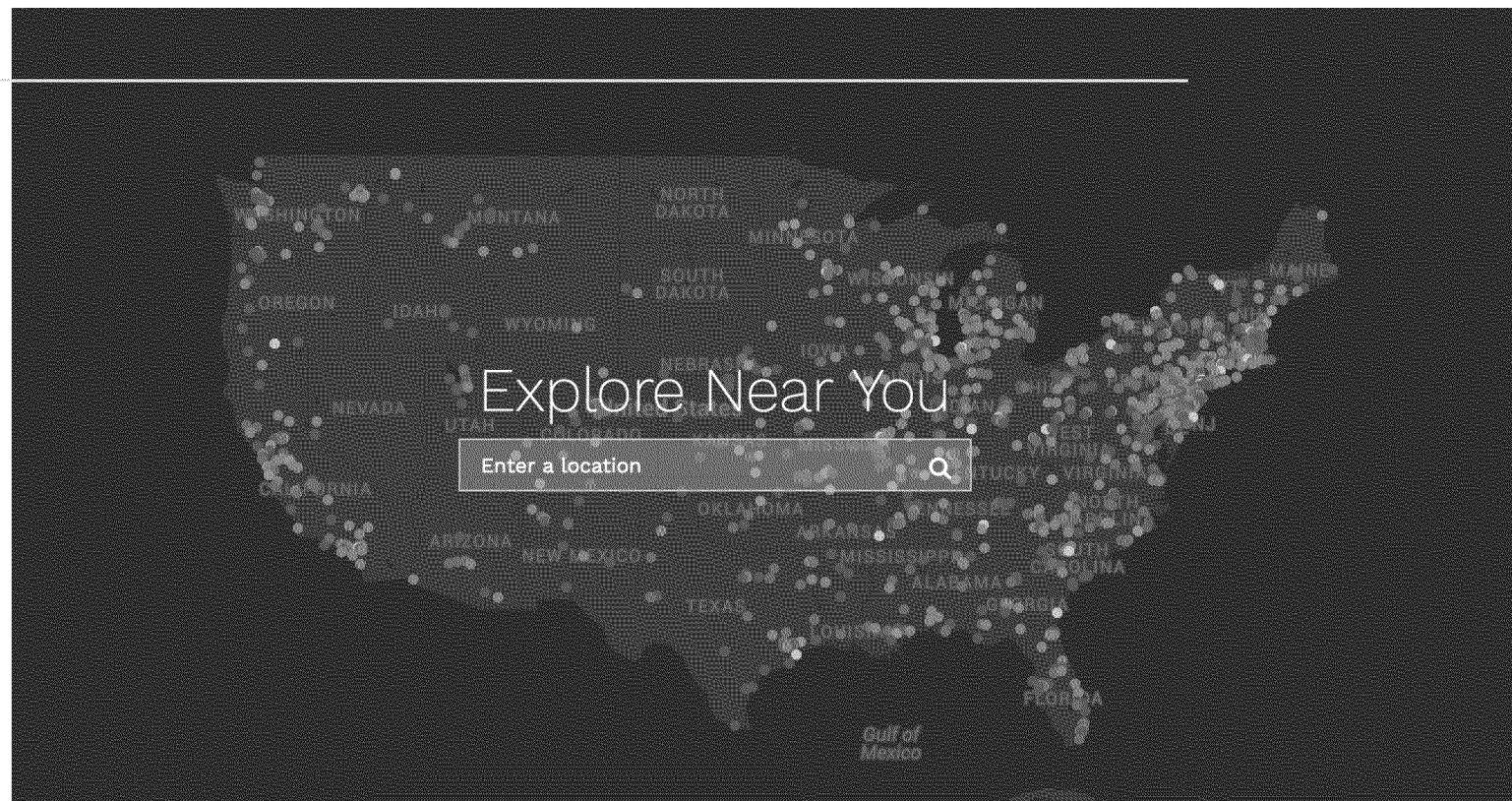
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Many Americans Still Live On or Near Toxic Waste

WRITTEN BY EMIKO JOZUKA (/AUTHOR/EMIKOJOZUKA)

September 28, 2015 // 12:09 PM EST



ToxicSites US. Image: Brooke Singer

Visual artist Brooke Singer wants to make America's invisible Superfund sites—
places harboring hazardous waste—more visible to a wider public. So she recently
(/EN_US?TRK_SOURCE=HEAD
launched ToxicSites US (<http://www.toxicsites.us/>)), a data visualization that charts
1,300 of the US's most toxic Superfund sites.

A “Superfund site (<http://www.epa.gov/superfund/sites/>)” is an area that the US Environmental and Protection Agency (EPA) labels an “uncontrolled or abandoned place where hazardous waste is located, possibly affecting local ecosystems or people.” The full list of sites can be seen on the National Priorities List (<http://www.epa.gov/superfund/sites/npl/index.htm>).

When Singer first started investigating Superfund sites back in 2006, she was surprised by the gap between what she’d read, and what she saw.

“I drove out to New Jersey to a site called Quanta Resources along the Hudson river opposite the upper west side of Manhattan. I drove around in circles trying to find the site, but couldn’t at first because most of these sites aren’t marked out,” Singer told me over the phone.

Singer had half-expected to see a barrier fencing off the area, caution signs, or people in hazmat suits patrolling the designated Superfund site. But instead, she was met with an ordinary scene: The site was next to a daycare centre along a busy street in a residential area.



Quanta Resources from the 2009 photo essay *Sites Unseen*. Image: Brooke Singer

The fight to rid the country of toxic waste sites was begun by the EPA in 1980 (<http://www.epa.gov/superfund/policy/cercla.htm>) following the effects of the devastating Love Canal tragedy (<http://www2.epa.gov/aboutepa/love-canal-tragedy>) —a site previously used as an industrial dump by the Hooker Chemical company—which continued to ooze toxic chemicals over two decades (https://www.geneseo.edu/history/love_canal_history) after the company stopped dumping waste there.

Once the EPA categorizes a location as a Superfund site, they remove people from the area and clean it up so that residents can move back in again. However, according to Singer, in some cases, people have had to move back to areas that are still toxic, while for others the battle to remove toxic contaminants is still ongoing.

Singer explained that the main stumbling block for residents living in such areas is the time it takes for the location to actually be designated as a Superfund site by the EPA.



Gowanus Canal Brooklyn NYC from the 2009 photo essay *Sites Unseen*. Image: Brooke Singer

The artist's aim with ToxicSites US is threefold; to allow people to click on an area and find a Superfund site and its hazardous ranking score; to provide a platform where people living near or on the Superfund sites can voice their experiences; and to make more people across the world aware of the existence of these sites.

She supplemented the data with visual media and personal stories from people living near the sites.



Air Station Alameda from the 2009 photo essay *Sites Unseen*. Image: Brooke Singer

Shannon Rainey, a long-time resident of the controversial Agricultural Street Landfill (<http://www.epa.gov/region6/6sf/pdffiles/ag-street-la.pdf>) in New Orleans, Louisiana, who Singer interviewed for her project (<http://www.toxicsites.us/story.php?id=12>) is, for example, one such inhabitant who has yet to benefit fully from the EPA's cleanup efforts.

In 1994 (<http://umich.edu/~snre492/Jones/agstreet.htm>), when the federal government classed Agricultural Street Landfill as one of the most contaminated Superfund sites in America, the soil on the site was found to contain over 150 chemicals, 50 of which were carcinogenic (<http://umich.edu/~snre492/Jones/agstreet.htm>). But by that time, it was already too late. Since the dump was closed off in 1958 (http://www.nola.com/politics/index.ssf/2015/04/agriculture_street_landfill_ne.html), it had been reopened again in 1965 to rid the city of the debris created by Hurricane Betsy, and in 1969, developers plonked a school and housing development on top of the contaminated area. Rainey owns a home on top of the contaminated site.



US Radium Corps East Orange NJ from the 2009 photo essay *Sites Unseen*. Image: Brooke Singer

In 2001 (https://en.wikipedia.org/wiki/Agriculture_Street_Landfill), the site was deemed 99 percent clean. However, according to Wilma Subra (<http://www.toxicsites.us/story.php?id=7>), a chemist and technical advisor at the Louisiana Action Network, the EPA's cleanup was far from thorough as little effort was made to dig up the toxic soil underneath houses. This meant that when Hurricane Katrina struck in 2005, the toxic contaminants lurking in the soil were unleashed into the air once again.

“After the storm, everyone was moved out of the housing development and the school still remains empty,” said Singer. “But around 50 families have moved back into their homes there because they weren’t renters, they bought their homes and they have all of their equity tied up in those homes.”

Rainey was one of the residents who were forced to move back in, and has been campaigning for the local and federal government to relocate she and other residents whose homes are now worthless.

“This is an important story that’s been going on for decades. Shannon still lives there with her daughter and cites stories of her neighbours experiencing health impacts from this site,” said Singer. “There are these stories where the EPA are failing [...] I’m hoping that [ToxicSites US] will provide a platform for people like Shannon who are living in these conditions with issues that just won’t go away.”

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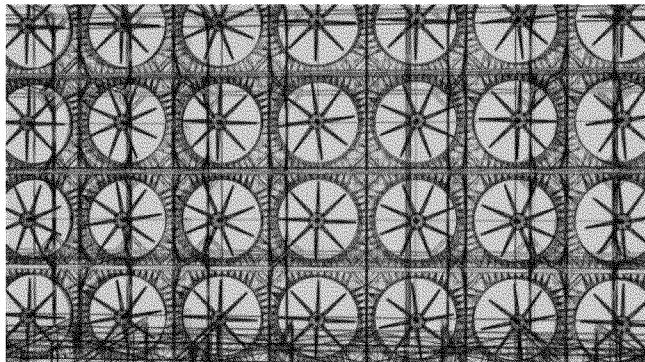
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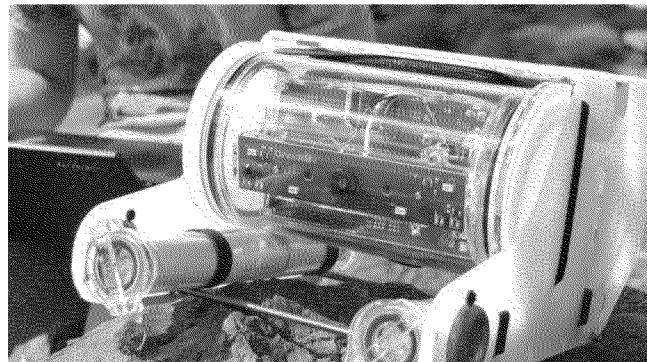
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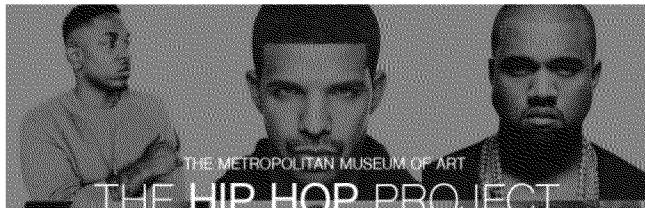
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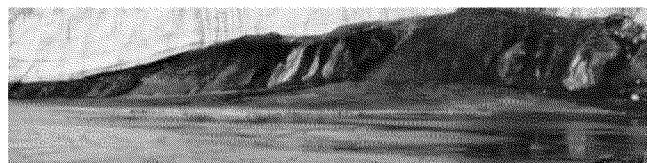


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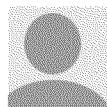




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Paul Harris • 6 hours ago

What a tremendously important endeavor. It is our right and duty to be fully informed. This was poignant as I was a California tourist stuck in the Superdome during Katrina. The toxic water we walked through baffled the mind.

Paul Harris, Author, [Diary From the Dome](#) [Reflections On Fear and Privilege During Katrina](#)1 • [Reply](#) • [Share](#) ›

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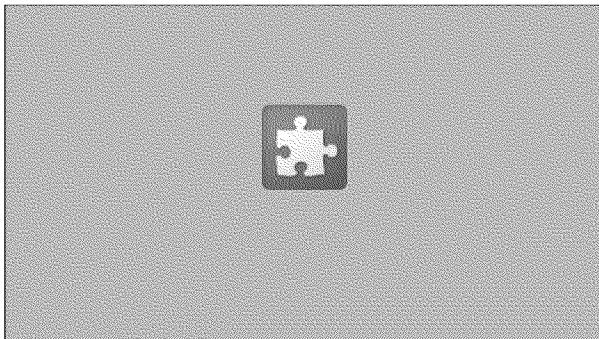


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Updated: Mon, Sep 28 2015, 06:40 PM

Residents in a Leander neighborhood say they were blindsided when a business broke ground near the entrance of the Westwood subdivision. On Monday they met with their new neighbor in hopes of reaching a compromise

These residents say they didn't get any notice their neighborhood at Old 2243 West and Sunny Brook Dr. was about to change. One day they lived next to an empty lot, the next it was a construction zone. The controversy shows that if you have an empty lot or field in your neighborhood you might want to start asking questions.

For 13 years Mark Nwakamma has lived at the same Leander address. "This is our home," said the father of four. "We love this place."

He especially enjoys the view from an upstairs window. "That's my bedroom right there," said Nwakamma.

But this summer he noticed a new, noisy neighbor moving in. "We didn't know what was going on," said Nwakamma

The longtime resident got nosy. "It's been a nightmare," said Nwakamma.

His home used to brush against five grassy acres. Now, there's not a blade in sight. "A gas station," said Nwakamma.

"I have never personally seen a gas station and convenience store like this right in a neighborhood," said John Stetson, another resident of Westwood.

Stetson is gathering signatures and leading the fight to stop construction.

"Somewhere between 250 and 300," said Stetson. "This is the least appropriate business to be putting right here in the middle of the neighborhood, if you will."

Actually the gas station will sit at the entrance to the Westwood subdivision. Neighbors are worried about more traffic, crime and pollution and the potential for property values to fall.

"It's hard to fight city hall," said Stetson.

So KEYE-TV checked on development restrictions and found this lot was zoned commercial in 1999, a few years before any of the Westwood homes were built. The Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) also told KEYE-TV that the gas station construction does not appear to be triggering the need for any additional construction permits.

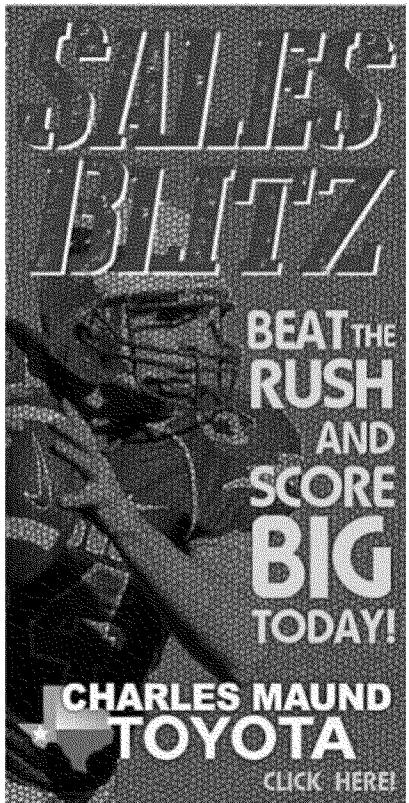
With less ammunition, on Monday neighbors made a rapid-fire good neighbor appeal to the owner.

"How tall is the wall going to be?" asked Westwood resident Amy Corbett. "Is your business going to be open 24-7? Just because it's the law does that makes it morally right?

The owner told neighbors the gas station and convenience store will close at 11 p.m., but within five minutes the door shut on the rest of the conversations. He told reporter Bettie Cross he did not want to be interviewed for this story.

"I don't want to talk. Sorry," said the owner of the gas station.

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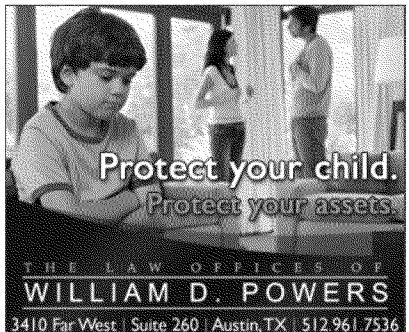
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The way Nwakamma sees it there's not much hope his situation or view will improve.

"It is so close," said Nwakamma. "My bedroom's right there."

After 13 years in the house he says he can't see anything but the sliver of space between his family and the future fumes.

"Look at my fence," said Nwakamma. "There's not even a space to walk through."

One way neighborhood residents can be aware of possible construction around their homes is to check the zoning on any empty fields or lots in their neighborhood. That gives them time to request a zoning change before the tract is sold and construction starts. As it is, the EPA is expected to issue a final opinion to neighbors on any potential environmental conflicts or problems this Wednesday.

By Bettie Cross

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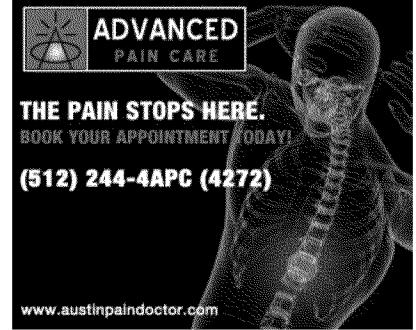
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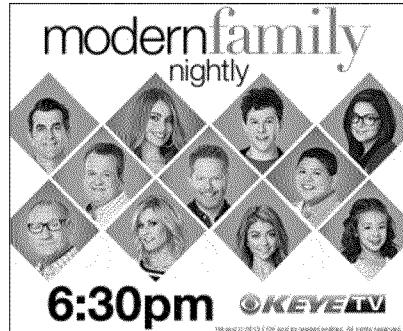
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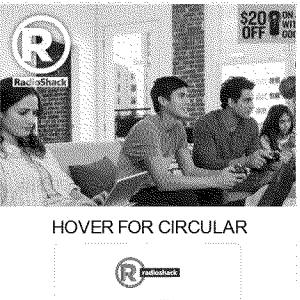
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\$400**

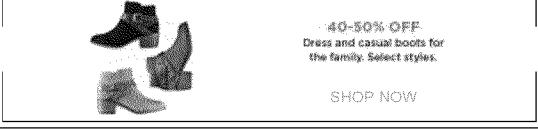
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Now device payment activation & port-in required. Smartphone
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